UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,022	02/18/2000	Jean Margaret Aschenbrenner	501.315US01	8152

	7590	11/02/2004

David W. Lynch
CRAWFORD MAUNU PLLC
1270 Northland Drive
Suite 390
Mendota Heights, MN 55120

EXAMINER
PHAM, THIERRY L

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action	09/507,022	ASCHENBRENNER ET AL.
	Examiner	**Art Unit**	
	Thierry L Pham	2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY [check either a) or b)]</u>

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-47*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

GABRIEL GARCIA
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The arguments presented by the applicants are not persuasive. The applicants argued the cited prior art does not teach and/or suggest a data structure including at least one mapping structure for identifying rendering control data as a secondar resource. The cited prior art (Zandee) teaches the data structure including at least one mapping structure (i.e. the printer driver maps a selected rendering intents control data for a particular objects within the image (i.e. bussiness graphic), col. 5, lines 38-67 to col. 6, lines 1-67) for identifying rendering control data as a secondary resource (the printer driver also identifies whether or not the rendering intents control data for objects has a profile associated with it, col. 6, lines 34-67) and at least one include object (i.e. texts, graphics, charts, and etec, col. 3, lines 12-25 and col. 6, lines 50-67) structure for referencing the rendering control data. In a response, the applicants define a secondary resource is a resource associated with an object that may itself be processed as a resource. When a data object that requires a seondary resource is included in the print stream, the "include" structured field contains a pointer to the secondary resource, and an object type identifier that identifies the secondary resource to be a color profile. However, the applicants fail to include such limitations within the claims to clearly define its features. Herein, the examiner interprets "secondary resource" as a rendering intents selected for particular object of an image and/or print job to be printed by using an user interface provided by the printer driver as taught by Zandee .